

-PS/CD-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAREN A. BROOKS, 03839-055,

Petitioner,

-v-

DECISION AND ORDER
08-CV-6081L
90-CR-0147L

WARDEN GUNJA,
Northeast Ohio Correctional Center,

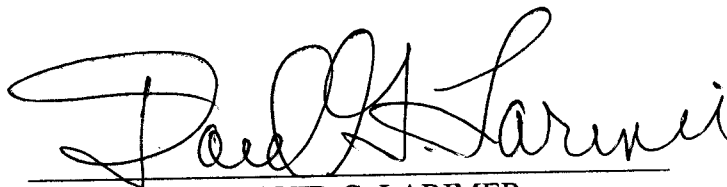
Respondent.

On February 25, 2008, petitioner, Daren A. Brooks, 03839-055, an inmate of a federal correctional facility, filed a *pro se* motion under 28 U.S.C. § 2255 to vacate, set aside or correct a sentence by a person in federal custody with respect to the judgment of conviction entered on February 25, 2004. This is petitioner's second or successive petition with respect to the same judgment of conviction, which was decided under the criminal docket number 90-cr-00147L. Petitioner's previous § 2255 motion was filed under civil number 93-CV-6009L.

According to 28 U.S.C. § 2255, "a second or successive motion must be certified as provided in § 2244 by a panel of the appropriate court of appeals." The petitioner's motion has not been so certified. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this motion shall be transferred to the Second Circuit Court of Appeals for a determination of the certification issue. *Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2255 motion is transferred to the Second Circuit Court of Appeals.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED:

2/29, 2008
Rochester, New York